

Serial No.: 09/998,080

- B6
concluded
67. (New) The method according to claim 40 wherein the M^{III}N layer has a thickness of approximately 0.01 micron or greater.

REMARKS

Status of the Application

In the present application, originally-filed claims 1 – 56 are pending. Claims 48-56 are withdrawn from consideration as being directed to non-elected subject matter. Accordingly, claims 1 – 47 have been substantively examined and are the subject of the present amendment, as well as new claims 57 – 67 discussed herein.

In the above-referenced Office Action dated December 18, 2002, claims 40-47 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,686,738 to Moustakas (hereinafter "Moustakas"). Claims 1 – 17 and 19-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moustakas in view of U.S. Patent No. 4,491,560 to Fujii et al. (hereinafter "Fujii et al."). Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the present Amendment, applicants have cancelled claims 15 and 25 - 31, and have amended claims 1, 18 – 24, 32, 33, 37 – 40 and 44. In addition, applicants have added new claims 57 – 67.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejects claims 40 – 47 under 35 U.S.C. § 102(b) as being anticipated by Moustakas. Applicants respectfully traverse this rejection because Moustakas fails to teach each and every limitation recited by the rejected claims.

Independent claim 40 is directed to a "method for producing a single-crystal M^{III}N article". One of the steps of claim 40 recites "using a sputtering